

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Conway)	Examiner: Kelley, Christopher
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Application No.:	10/664,629)	Attny Doc.: 81230.95US1
)	
Filing Date:	September 19, 2003)	Art Unit: 2623
)	
Title:	Controlling Device Using)	
	Visual Cues To Indicate)	
	Appliance And Function)	
	Key Relationships)	

SUBMISSION OF SUGGESTED RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR § 1.142(c), the applicant hereby submits this suggested restriction requirement.

In the application claims 1-4, 6, 9, 10, 12-15, 17, 18, 21, and 23-44 remain pending.

Claims 1-4, 6, 9, 10, 12-15, 17, 18, 21, and 23-33 (Group I) are drawn to a system/method in which a visual cue is used to show a relationship between a function key of a controlling device and an appliance to be controlled believed to be classified in class 341, subclass 023.

Claims 34-37 (Group II) are drawn to a method in which an audio cue is used to show a relationship between a function key of a controlling device and an appliance to be controlled believed to be classified in claims 342, subclass 027.

Claims 38-44 (Group III) are drawn to a method for using cues during a system setup process believed to be classified in class 725, subclass 038.

It is respectfully submitted that the invention of Groups I, II, and III are related as

subcombinations usable together in a single combination. The subcombinations are, however, distinct since they do not overlap in scope, are not obvious variants, and are separately usable. In the instant case the subcombination of Group II has separate utility beyond use in a system/method that utilizes visual cues to show a relationship between a function key of a controlling device and an appliance to be controlled such as, for example, using a frequency signal or tone sequence to show a relationship between a function key of a controlling device and an appliance to be controlled and has separate utility beyond use during a system setup process, for example, by being included as part of a pre-configured controlling device. Similarly, the subcombination of Group I has utility beyond use in a system/method that utilizes audio cues to show a relationship between a function key of a controlling device and an appliance to be controlled such as, for example, using a label, color, brightness, or pattern to show a relationship between a function key of a controlling device and an appliance to be controlled and has separate utility beyond use during a system setup process, for example, by being included as part of a pre-configured controlling device. (MPEP § 806.05(d)).

Because these inventions are independent or distinct for the reasons given above and it is believed that there would be a serious burden on the examiner if restriction is not required, i.e., the inventions have acquired a separate status in the art due to their recognized divergent subject matter, have acquired a separate status in the art in view of their different classification, and/or because the inventions require a different field of search (requiring the use of different keywords), it is respectfully submitted that restriction between the inventions of Group I, Group II, and Group III for examination purposes would be proper (MPEP § 808.02).

In the event that the Office agrees with the suggested restriction requirement, the applicant further elects, without traverse, to prosecute the invention of Group I which

includes claims 1-4, 6, 9, 10, 12-15, 17, 18, 21, and 23-33.

Should it be determined that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully urged to contact the attorney undersigned.

Respectfully Submitted;



Date: October 23, 2007

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